

IN SENATE
OF
THE UNITED STATES,

MARCH 2, 1818.

The Committee, to whom was referred the petition of Martin Dubbs,

REPORT:

That from a statement of facts made by the Third Auditor to the committee relating to the petitioner's claims, and which are herewith reported, the committee are induced to submit the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

DEPARTMENT OF WAR,

February 27th, 1818.

SIR,

I have had the honor to receive your letter of the 23d instant, accompanied by the petition of Martin Dubbs. Enclosed you will find a letter and accompanying documents from the Third Auditor of the Treasury Department, which furnish all the information in my possession, respecting the claim of Mr. Dubbs.

I am very respectfully,

Your obedient servant,

J. C. CALHOUN.

*Hon. Jonathan Roberts,**Chairman of the Committee of Claims,
Senate United States.*

TREASURY DEPARTMENT,

Third Auditor's Office, February 25, 1818.

SIR,

I have the honor to hand you enclosed, copies of documents in this office relating to the petition of Martin Dubbs, referred to you by the chairman of the committee of claims of the Senate.

With great respect,

Your obedient servant,

PETER HAGNER,

*Auditor.**The hon. J. C. Calhoun,
Secretary of War.*

(Duplicate.)

Head Quarters, Eastern Section, Division of the South, Augusta, Georgia, December 17th, 1815.

I certify, that whilst in command of the 4th military district in the autumn and early part of December 1814, Martin Dubbs called at my quarters in the city of Philadelphia at different times, and informed me that he had supplied the contractor with a considerable quantity of beef for the troops under my command, but that he should be unable to continue the supply of that article without prompt payment for the same; adding, that the contractor had failed to pay agreeable to promise. I advised him to continue his supplies, and assured him that money would shortly be obtained for the contractor's department, and that as soon as it should come to my hands he should be notified, and I would require the contractor to settle with him. The contractor had for some days previously failed to make regular, or other than very partial supplies. About the latter end of November, having received from the Department of War a supply of Treasury notes, Mr. Dubbs called at my quarters and reminded me of my promise. I sent for R. M'Coy, the contractor, who readily assured me that any advances which I might make to Mr. Dubbs for provisions supplied by him, would be cheerfully admitted: about the same time I paid the contractor \$8,000, out of which I understood he was to pay Mr. Dubbs the amount of his account; they left me apparently satisfied. Mr. Dubbs called upon me a few days before my departure for New Orleans, and again stated that he must have money, or that he could not continue his supplies. I offered him \$1,000 in Treasury notes, which he declined taking, stating he would wait till other money could be obtained. I renewed my promise to urge the contractor to pay him as soon as money should be received; I do not recollect seeing Mr. Dubbs after receiving orders to repair to New Orleans.

Upon the whole, my promises to Mr. Dubbs were intended only to pledge *myself* that my best exertions should be made use of to cause the *contractor* to make prompt and regular payments; nor can I believe that Mr. Dubbs received them in any other light. It certainly could not be expected that Mr. Dubbs should have considered the government pledged or myself, further than to pay him out of any moneys that might remain due to the contractor.

(Signed)

EDMUND P. GAINES.

Major General by brevet, commanding.

Copy of a letter from Gen. Edmund P. Gaines, dated head quarters, Augusta, Georgia, December 19th, 1815, to the Hon. William H. Crawford, Secretary of War.

SIR,

I have the honor to enclose herewith the duplicate of a certificate, which I have given to Martin Dubbs, of Philadelphia, touching a large supply of provisions furnished by him to the troops stationed near Chester, in Pennsylvania, under my command, in the autumn and early part of the winter of 1814. Having been informed that the contractor, R. M'Coy, had failed, and that M. Dubbs was likely to sustain a serious loss, I have considered it to be an act of justice due the zeal and fidelity which he constantly manifested in the public service, to state particularly how far I had given him reason to calculate upon my authority and exertions in obtaining payment for his supplies. My sudden departure from Philadelphia, and the weight and multiplicity of duties on my hands at the time, added to a bad state of health, must apologize for my having left Philadelphia without formally revoking my promise to Mr. Dubbs. It cannot be believed, however, that he furnished provisions after my departure solely upon the credit of such a promise.

Most respectfully,

Your obedient servant,

(Signed)

EDMUND P. GAINES.

(Copy.)

TREASURY DEPARTMENT,

Third Auditor's Office, February 18, 1818.

SIR,

I have the honor to acknowledge the receipt of your letter of the 16th instant, enclosing the petition of Martin Dubbs, requesting to be furnished with such information, as I may possess in relation thereto. In reply I have to state, that it is understood at this department, that the petitioner was the sub-contractor at Philadelphia under Robert M'Coy, who had contracted with the government to supply all provisions within the district of Pennsylvania, &c. The contract provides, that if the contractor should fail to furnish agreeably to contract, provisions should be purchased on his account, on the order of the commanding officer. Hence there could have been no difficulty on the part of the commanding officer in purchasing sup-

plies chargeable to the contractor; and in several instances resort was had to this course, one of which appears to have been a purchase made of the petitioner himself, in December, 1814, of 22,344 rations, which were paid for by the quartermaster, and charged to the contractor. But in the case petitioned for, no such course appears to have been adopted, and consequently no charge raised against the contractor. The amount claimed appears to be a balance due by the contractor, R. M'Coy, to Mr. Dubbs, and the grounds for claiming payment from the United States, appears to originate from a promise alleged to have been given by general Gaines. When application was made on the same claim to the late accountant, any responsibility on the part of the government was denied from the interference of general Gaines, as appeared from his statement which accompanied the application. It was only taken to mean, that when the contractor was to receive money, Mr. Dubbs should be informed, and the influence of the general exercised in having him paid, and accordingly the agent of Mr. Dubbs was informed, that if on settlement of the accounts of the contractor, any balance should appear to be due the contractor at this office, payment would not be made without first informing Mr. Dubbs; accordingly when Mr. M'Coy's accounts were settled at this office, a delay in the payment of the balance was suggested as necessary, to Mr. M'Coy, the contractor, in consequence of the promise made by the late accountant; but he produced a transcript from the records of the court, proving, that Mr. Dubbs had resorted to a suit for the recovery of the money due him, and it was determined on consultation of the comptroller, that no stoppage could be made under these circumstances, and the balance was accordingly paid to him. It will be understood, that the United States have already paid the contractor for all supplies made during his contract, and consequently that part of the ration stated to have been furnished by the petitioner, is included. I furnish the committee with a copy of the letter from general Gaines to the Secretary of War on the subject, and of his certificate setting forth the understanding he had of the conversation with Mr. Dubbs.

I have the honor to be

Your obedient servant,

(Signed)

PETER HAGNER,

Auditor.

*The Hon. Lewis Williams,
House of Representatives.*

